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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

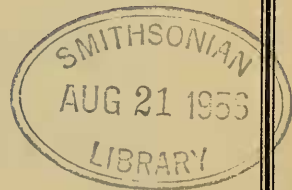
**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

**VOLUME 13. Part 8. Pp. 131—146**

**OPINION 407**

Suppression under the Plenary Powers of four specific names for birds published by Anton Heinrich Lichtenstein in 1793 (Class Aves)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 407

### A. The Officers of the Commission

*Honorary Life President* : Dr. Karl Jordan (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

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*President* : Professor James Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

*Vice-President* : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis Hemming (*London, England*) (27th July 1948)

### B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology.*)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

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Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History) London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

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Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

## OPINION 407

### SUPPRESSION UNDER THE PLENARY POWERS OF FOUR SPECIFIC NAMES FOR BIRDS PUBLISHED BY ANTON AUGUST HEINRICH LICHTENSTEIN IN 1793 (CLASS AVES)

**RULING.**—(1) Under the Plenary Powers the under-mentioned specific names for taxa belonging to the Class Aves are suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—

- (a) *cafra* Lichtenstein, 1793, as published in the combination *Otis cafra* ;
- (b) *cafer* Lichtenstein, 1793, as published in the combination *Cuculus cafer* ;
- (c) *sulphuratus* Lichtenstein, 1793, as published in the combination *Cuculus sulphuratus* ;
- (d) *flavescens* Lichtenstein, 1793, as published in the combination *Lanius flavescens*.

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Nos. 707 to 709 respectively :—

- (a) *barrowi* Gray (J.E.), 1829, as published in the combination *Otis barrowi* ;
- (b) *clamosus* Latham, 1801, as published in the combination *Cuculus clamosus* ;
- (c) *flava* Vieillot, 1817, as published in the combination *Campephaga flava*.

(3) The under-mentioned specific names are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Nos. 273 to 276 respectively:—the four specific names specified in (1) above as there suppressed under the Plenary Powers.

## I. THE STATEMENT OF THE CASE

On 19th October 1950, Colonel Richard Meinertzhagen, Chairman of the Standing Committee on Ornithological Nomenclature, established by the Tenth International Ornithological Congress, Uppsala, 1950, addressed to the Commission the following letter, with enclosure, containing an application prepared by the Standing Committee for the use by the Commission of its Plenary Powers for the purpose of suppressing certain specific names for birds published by Anton August Heinrich Lichtenstein in 1793:—

### **Proposed use of the Plenary Powers to suppress four trivial names for birds published by Anton August Heinrich Lichtenstein in 1793**

Application submitted by the  
Standing Committee on Ornithological Nomenclature of the  
International Ornithological Congress

Covering letter, with enclosure, dated 19th October 1950,

from Colonel R. MEINERTZHAGEN

*(Chairman of the Standing Committee on Ornithological  
Nomenclature of the International Ornithological Congress)*

As Chairman of the Standing Committee on Ornithological Nomenclature, I beg to forward to you the annexed application relating to four trivial names for birds published by A. Lichtenstein in 1793, for favour of decision by the International Commission on Zoological Nomenclature.

The Standing Committee is unanimous in its view as regards the first and second of the names dealt with in the present application.

In the case of the third name (*Cuculus sulphuratus* Lichtenstein (A.), 1793), one member of the Standing Committee (Dr. John T. Zimmer) does not support the proposal submitted.

The problem dealt with in the present application has been discussed by Meise & Stresemann in a paper entitled "Notes on South African birds described in A. Lichtenstein's 'Catalogus', 1793", published earlier this year in the *Ibis* (Meise & Stresemann, 1950, *Ibis* 92 : 22—26), extracts from which are quoted in the application now submitted.

I have to add that a slight amplification is necessary in the case of the third of the proposals now submitted to the International Commission by the Standing Committee. The object of that proposal is to provide a secure legal foundation for the trivial name *flava* Vieillot, 1817, as published in the combination *Campephaga flava*, and for this purpose the Standing Committee propose in the annexed application that the International Commission should use its Plenary Powers for the purpose of suppressing the earlier trivial name *sulphuratus* Lichtenstein, 1793, as published in the combination *Cuculus sulphuratus*. It must be noted, however, that, as shown by Meise and Stresemann in their paper published in the *Ibis* in 1950 (extracts from which are incorporated in the application now submitted), Lichtenstein was in doubt as to whether the bird which he was describing was a cuckoo or a shrike. In addition to giving this bird the name *Cuculus sulphuratus*, he therefore gave it also the name *Lanius flavescens*. The application now submitted by the Standing Committee is therefore to be taken as constituting a request for the suppression, under the Plenary Powers, of the trivial name *flavescens* Lichtenstein, 1793, as well as of *sulphuratus* Lichtenstein, 1793.

The specific action which the International Commission on Zoological Nomenclature is now asked to take is thus that it should :—

- (1) use its Plenary Powers to suppress the under-mentioned trivial names for the purposes of the Law of Priority but not for those of the Law of Homonymy :—
  - (a) *cafra* Lichtenstein, 1793, as published in the combination *Otis cafra* ;
  - (b) *cafer* Lichtenstein, 1793, as published in the combination *Cuculus cafer* ;
  - (c) *sulphuratus* Lichtenstein, 1793, as published in the combination *Cuculus sulphuratus* ;
  - (d) *flavescens* Lichtenstein, 1793, as published in the combination *Lanius flavescens* ;
- (2) place the under-mentioned trivial names on the *Official List of Specific Trivial Names in Zoology* :—
  - (a) *barrowi* Gray (J.E.), 1829, as published in the combination *Otis barrowi* ;

- (b) *clamosus* Latham, 1801, as published in the combination  
*Cuculus clamosus* ;
- (c) *flava* Vieillot, 1817, as published in the combination  
*Campephaga flava* ;
- (3) place the four trivial names specified in (1) above, as there proposed to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*.

## ENCLOSURE

**Three trivial names published for birds by Lichtenstein (A.) in 1793 proposed to be suppressed under the Plenary Powers**

- (1) The trivial name comprised in the specific name *Otis cafra* Lichtenstein (A.), 1793, *Cat. Rer. nat. rarissim.* : 36.  
It is recommended that the above name should be made a *nomen rejectum* and that the trivial name comprised in the name currently accepted for this species, namely, *Otis barrowi* Gray (J.E.), 1829, in Griffith's Cuvier's *Animal Kingdom* 8 (Aves 3) : 304 ("Cape of Good Hope"), be made a *nomen conservandum*.
- (2) The trivial name comprised in the specific name *Cuculus cafer* Lichtenstein (A.), 1793, *Cat. Rer. nat. rarissim.* : 14.  
It is recommended that the above name should be made a *nomen rejectum* and that the trivial name comprised in the name currently accepted for this species, namely *Cuculus clamosus* Latham, 1801, *Index Orn.*, Suppl. 1 : XXX ("Cape of Good Hope"), be made a *nomen conservandum*.
- (3) The trivial name comprised in the specific name *Cuculus sulphuratus* Lichtenstein (A.), 1793, *Cat. Rer. nat. rarissim.* : 15.  
It is recommended that the above name should be made a *nomen rejectum* and that the trivial name comprised in the name currently accepted for this species, namely *Campephaga flava* Vieillot, 1817, *Nouv. Dict. Hist. nat.* 10 : 49 ("South Africa"), be made a *nomen conservandum*.

The circumstances of the present case have been discussed by Meise and Stresemann in a paper published in 1950 (*Ibis* 92 : 22—26), from which extracts have been made for the information of the International Commission on Zoological Nomenclature and are submitted in the Annexe to the present application.

R. MEINERTZHAGEN : *Chairman of the Standing Committee.*

E. STRESEMANN : *Zoologisches Museum der Universität, Berlin.*

JOHN T. ZIMMER\* : *The American Museum of Natural History, New York.* (Items 1 and 2 only.)

## ANNEXE TO APPLICATION

### Extract from a paper by Meise & Stresemann published in 1950 ("Ibis" 92 : 22—26)

During the last days of October 1793 a large collection of mounted birds . . . was dispersed by auction at Eimbeck's sale house at Hamburg. The contents were made known to the public by a sale catalogue prepared by Dr. Anton August Heinrich Lichtenstein (1753—1816) . . . . At the time of this sale, A. A. H. Lichtenstein was headmaster of a famous classical college at Hamburg . . . and his little pamphlet "Catalogus Rerum naturalium rarissimarum", containing the description of several new species, was commented upon in contemporary reviews.

It has long been supposed that many of the specimens listed in the "Catalogus" were collected in South Africa by Francois Levallant during his stay from 1781 to 1784, yet Godman had to confess that he was quite at a loss regarding the former owner of this remarkable Cabinet. It is only now that the mystery of more than 150 years can be unveiled. All these valuable mammals, birds, shells, and insects had formed the Cabinet of L. F. Holthuizen, a wealthy Dutchman living at Amsterdam, whose collection had been praised by Levallant ("Oiseaux d'Afrique, 1", 1796, 4to, p. 56) in the following terms : "à Amsterdam, on voit encore le cabinet très-nombreux d'oiseaux, du citoyen Holthuyzen, qui possède aussi une grande et belle suite de papillons et d'insectes".

A remark of the younger Lichtenstein, contained in the biography of his father . . . where it is expressly stated that the latter catalogued the Holthuizen collection, led to the final solution of the riddle . . . It has been this accidental discovery that induced us to study the catalogue with critical eyes, whereby it soon became apparent that this had only very seldom been done by others.

Holthuizen seems to have bought his specimens from many sources ; . . . A good many (47 species) came from Cayenne, but no other part of the world had contributed to it as much as South Africa : 60 species. It can hardly be doubted that most, if not all, of them had been collected there by Levallant . . . Levallant must have sold these

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\* *Note by Dr. John T. Zimmer on Case No. 3 (extract from a letter dated 3rd April 1951) : The case on which I differed from other members of the Standing Committee may be covered by a single statement. I did not feel that any serious confusion would result from the adoption of the newly discovered name. The change is perhaps unfortunate, as all such changes are, but is likely to cause no more than temporary inconvenience.*

birds to Holthuizen during the years 1785 to 1790—at the same time that another part of his collection went to Jacob Temminck and Joan Raye van Breukelerwaard, both equally of Amsterdam.

A. Lichtenstein had but very little practice in determining birds, yet the number of new species he dared to describe . . . amounted to 38, 17 of which are stated to have come from South Africa. They are the following :—

. . . . .

5. *Otis cafra* nobis (p. 36), “Caffernland”. Owing to the misinterpretation of A. Lichtenstein’s original description (1793) by H. Lichtenstein in 1823, the name *Otis cafra* has been accepted to designate the large “Veld Paauw” of the Boers. However, from examination of the 1793 “Catalogus” it becomes apparent that a small species of Bustard was meant, and that the description exactly fits the species named *Otis barrowi* by Gray (though most inappropriately, since John Barrow’s “Wild Peacock” was the large species hitherto called *Otis cafra*). Unless A. Lichtenstein’s *Otis cafra* is voted an obligatory synonym of the later *Otis* . . . , our discovery is going to have deplorable consequences . . . .

. . . . .

8. *Cuculus cafer* nobis (p. 14), “terra Cafrirum”. This name was forgotten up to 1870, when Sharpe (“Ibis”, 1870 : 58) applied it to the species up to then incorrectly named *Coccyzus afer* (Leach). Sharpe apparently never gave the reasons for his change in nomenclature, which soon was adopted by all ornithologists, although the original description at a glance reveals the error. In reality Lichtenstein had before him a bird which was not crested and “corpore supra splendide atro, infra fusco undulato. Remiges et retrices splendide nigrae maculatis exalbidis . . . Kopf, Nacken und Rücken sind glänzend schwarz ; Brust und Unterleib sind braun gewellet. . . .” Such barred specimens of *Cuculus clamosus* occur in South Africa (Stark & Sclater, “Birds South Africa”, 3 (1903) : 192). Therefore the synonymy will be :—

#### *Cuculus cafer* A. Lichtenstein

*Cuculus cafer* A. Lichtenstein, “Cat. Rer. nat.” 1793 : 14

*Cuculus clamosus* Latham, “Ind. Orn.” Suppl. 1 (1801) : xxx

*Clamator levaillanti* (Swainson)

*Cuculus afer* Leach, “Zool. Misc.” 1 (1814) : 72, tab. 31 nec

*Cuculus afer* Gmelin, “Syst. Nat.” 1 : 418, 1788 (which is *Leptosomus discolor* (Hermann 1783))

*Coccyzus levaillanti* Swainson, “Zool. Ill.” (2) 1 : 3, 1829, tab. 13

*Cuculus cafer* Sharpe 1870 et auct. seq., but not of A. Lichtenstein.



9. “ ? *Cuculus sulphuratus* nobis ; vel potius *Lanius flavescens* ? ” (p. 15). “ Hab. in terra Caffrorum ”. A. Lichtenstein had been in doubt whether this Cuckoo-shrike was really a cuckoo or rather a yellowish shrike. His description is clearly that of the female of *Campephaga flava* Vieillot. This implies the following change (unless the current name is ranked among the *nomina conservanda* by some international body).

*Campephaga sulphurata* (A. Lichtenstein)

*Cuculus sulphuratus* A. Lichtenstein 1793 (“ terra Cafrorum ”, descr. ♀).

*Campephaga flava* Vieillot 1817 (South Africa, ex Levaillant, descr. ♀).

*Campephaga nigra* Vieillot 1817 (South Africa, ex Levaillant, descr. ♂).

. . . . .

### Suggestions

In accordance with their postulate that changes in current nomenclature ought to be avoided as far as possible, the authors suggest :—

1. Discarding altogether those names which had been misinterpreted for a century, instead of connecting them in future with their original, and therefore proper, species. If one applies this to the names *Otis cafra* (A. Lichtenstein) and *Cuculus cafer* (A. Lichtenstein), changes in the nomenclature of the genera *Eupodotis* and *Cuculus* will be prevented.

2. Ranking *Campephaga flava* Vieillot among the *nomina conservanda*, with *Cuculus sulphuratus* (A. Lichtenstein) an obligatory synonym of it.

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Publication of the present application :** Following the receipt of Colonel Meinertzhagen’s letter the question of the use of the Plenary Powers to suppress the specific names for birds published by Lichtenstein in 1793 discussed in that letter was allotted the Registered Number Z.N.(S.) 526.

**3. Publication of the present application :** The present application was sent to the printer on 30th January 1952 and was

published in the *Bulletin of Zoological Nomenclature* on 15th October of the same year (Meinertzhagen (Application by Standing Committee on Ornithological Nomenclature), 1952, *Bull. zool. Nomencl.* 9 : 32—37).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th October 1952 (a) in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by the Standing Committee on Ornithological Nomenclature was published), (b) to the other prescribed serial publications, and (c) to certain general zoological serials. In addition, such Notice was given also to fourteen serial publications or institutions specially concerned with ornithology. The names of the serials and institutions in question have been given in the *Opinion* (*Opinion* 401)<sup>1</sup> relating to the generic name *Colymbus* Linnaeus, the *Opinion* in which the Commission dealt with the first of the series of applications submitted by the Standing Committee on Ornithological Nomenclature.

**5. Comments of a general character :** The issue of the Public Notices specified above elicited thirty-seven comments of a general character relating to the cases of ornithological nomenclature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. These comments came from ornithological institutions, groups of ornithologists and individual specialists. Of these comments, the authors of thirty-six gave general support to the applications published in the foregoing Triple-Part. The single remaining comment was from a specialist who was opposed to any use of the Commission's Plenary Powers. The communications so received have been reproduced in the Appendix annexed to *Opinion* 401 (*Colymbus*)<sup>2</sup>, those supporting the applications referred to above being given in Part 1, the single comment in opposition to the above applications being given in Part 2.

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<sup>1</sup> *Opinion* 401 has been published as Part 1 of the present volume.

<sup>2</sup> See Footnote 1 above.

**6. Comments directly related to the present application :** Three communications directly related to the present application were received. One, a joint communication from Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and five other United States specialists, was in support of the present application. The two other communications raised objection to the action proposed. These were from :—(1) Mr. A. F. Morrison (*Dar es Salaam, Tanganyika*) ; (2) Captain C. H. B. Grant (*British Museum (Natural History), London*). The communications so received are reproduced in the immediately following paragraphs.

**7. Support received from Dr. Josselyn Van Tyne and five other United States ornithologists :** On 18th March 1953, Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and the five under-mentioned specialists addressed a letter to the Commission in support of the present application :—(a) Robert W. Storer (*Museum of Zoology, University of Michigan, Ann Arbor, Michigan, U.S.A.*) ; (b) Andrew J. Berger (*Ann Arbor, Michigan, U.S.A.*) ; (c) Olin Sewall Pettingill, Jr. (*Northfield, Minnesota, U.S.A.*) ; (d) Frank A. Pitelka (*Berkeley, California, U.S.A.*) ; (e) John Davis (*Los Angeles, Valifornia, U.S.A.*). The letter so received was as follows :—

We, the undersigned, wish to express our strong approval of proposal No. 3 (concerning *cafra*, etc.) published on page 3<sup>3</sup> of vol. 9 of the *Bulletin of Zoological Nomenclature*. We hope that your Commission will take favourable action on it.

**8. Objection received from Mr. A. F. Morrison (Dar es Salaam, Tanganyika) :** On 3rd March 1953, Mr. A. F. Morrison (*Dar es Salaam*) addressed a letter to the Commission intimating his objection to the portion of the present application relating to the name *Cuculus cafer* Lichtenstein, at the same time indicating his support for the remaining portions of the application. On 10th April 1953, Mr. Morrison wrote a further letter in which he stated that after further consideration he desired to extend his objection

<sup>3</sup> The page reference here cited is to the page in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*, where the present application appeared as proposal No. 3 in the Prescribed Plenary Powers Notice.

to all parts of the present application. The foregoing letters were as follows :—

(a) *Letter from Mr. A. F. Morrison dated 3rd March 1953*

I have the pleasure to address you in response to the invitation of Colonel Meinertzhagen in *Ibis* (1953) **95** : 151, and wish to record, as a Member of the British Ornithologists' Union, my general support of the principle of stability in nomenclature, and the use where necessary of the Plenary Powers of the Commission to secure the validity of long-standing but technically invalid names. There should, however, in my humble opinion be complete unanimity of opinion among workers in the particular group concerned before the Powers are exercised. If a small group of workers are accustomed to use a correct name, the rules should prevail even at the expense of a majority.

The particular application of my argument is the proposal to use the Plenary Powers to suppress *cafer* (*Cuculus*) of Lichtenstein 1793 (*ibid.* : 149) (Z.N.(S.) 526). This name is used in Mr. Mackworth-Praed and Captain Grant's "Birds of Eastern & North-Eastern Africa" (1952), Longmans, Green & Co. Ltd. **1** : 449, a book which is likely to be standard for workers, both professional and amateur, on the birds of Eastern Africa for many years to come. The suppression of *Cuculus cafer* Lichtenstein, with the revival, I presume, of *Cuculus clamosus* Latham, would therefore cause as much confusion as it would save, and in the particular circumstances therefore my feeling is that the rules should prevail.

It is perhaps a pity that the decision to suppress *cafer* (*Cuculus*) of Lichtenstein could not have been made in time to enable the authors to retain *Cuculus clamosus* (Latham), but their book already long delayed could not have been delayed longer, and in the absence of a decision, Mr. Mackworth-Praed and Captain Grant could do nothing else but follow the rules.

In conclusion, I support all the remaining recommendations, and piously hope that the decision of the Commission will be known in time to preserve *Campephaga flava* Vieillot (against *sulphuratus* (*Cuculus*) (Z.N.(S.) 526)) in the forthcoming second volume of the above-mentioned work.

(b) *Letter from Mr. A. F. Morrison dated 10th April 1953*

Further to my letter, reference Z.N.(S.) 526, of the 3rd ultimo, I have now given further thought to the problem of Lichtenstein's names and I have also learnt that there is a strong body of opinion in favour of their continued use.

In these circumstances, on the principle which I ventured to enunciate in my first letter, I must record myself as opposing their suppression.

There may be some justification for objecting to a change owing to a late discovery in some obscure and unknown work of an early name having technical priority but Lichtenstein's names have been known for generations and the problem arises because they have been misunderstood until very recently.

In my view therefore, the only way to achieve real stability is to permit these names to stand with the validity which they have under the rules.

**9. Objection received from Captain C. H. B. Grant (British Museum (Natural History), London):** On 2nd April 1953, Captain C. H. B. Grant (*British Museum (Natural History), London*) communicated to the Commission the following statement in which he expressed his objection to the present application:—

#### Lichtenstein's names

A. A. H. Lichtenstein's *Cat. Rer. nat. rar.* 1793, was republished by the Willughby Society in 1882 and has therefore been available to the public for 70 years. Meise and Stresemann's remarks on p. 23, *Ibis*, 1950, para. 3, are unwarranted as A. A. H. Lichtenstein had as much right as any other worker to describe new birds. *Otis caffra* 1823 is a homonym of *Otis cafra* 1793. The 1793 name is not a synonym as they are founded on two different known species. Therefore the 1793 name is acceptable and is in use in recent standard works.

Whether a name is a homonym or not and to which species it applies is a taxonomic question for systematic ornithologists to decide, and in this case a decision has already been made by those interested in African ornithology. Both *Cuculus cafer* and *Cuculus sulphuratus* are in use in standard works and to propose to revert to *C. clamosus* and *C. flava* is merely adopting a synonym when an earlier valid name is available. The majority of systematic ornithologists are not in favour of synonyms replacing earlier names, and under the accepted date 1st January 1758 they could have no standing. *Lanius flavescens* Lichtenstein, 1793, is a synonym of *C. sulphurata*.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**10. Issue of Voting Paper V.P.(54)64:** On 14 May 1954, a Voting Paper (V.P.(54)64) was issued in which the Members of the Commission were invited to vote either for, or against, "the

proposal relating to four long-neglected specific names for birds published by Lichtenstein in 1793 as specified in Points (1) to (3) on page 33 of volume 9 of the *Bulletin of Zoological Nomenclature*" [i.e. in the Points numbered as above in paragraph 5 of the application reproduced in the first paragraph of the present *Opinion*].

**11. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 14th August 1955.

**12. Particulars of the Voting on Voting Paper V.P.(54)64 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)64 was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Holthuis ; Lemche ; Dymond ; Hering ; Vokes ; Esaki ; Riley ; Bonnet ; Bradley (J.C.) ; Hemming ; do Amaral ; Pearson ; Hankó ; Sylvester-Bradley ; Mertens ; Cabrera ; Stoll ; Jaczewski ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.

**13. Declaration of Result of Vote :** On 17th August 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)64, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**14. Preparation of the Ruling given in the present "Opinion" :**

On 8th October 1955, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)64.

**15. Original References :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*barrowi*, *Otis*, Gray (J.E.), 1829, in Griffith's Cuvier, *Anim. Kingd.*  
**8** (Aves 3) : 303

*cafer*, *Cuculus*, Lichtenstein, 1793, *Cat. Rerum nat. rariss.* **1** : 14

*cafra*, *Otis*, Lichtenstein, 1793, *Cat. Rerum nat. rariss.* **1** : 36

*clamosus*, *Cuculus*, Latham, 1801, *Index Orn.*, Suppl. **1** : xxx

*flavescens*, *Lanius*, Lichtenstein, 1793, *Cat. Rerum nat. rariss.*  
**1** : 15

*flava*, *Campephaga*, Vieillot, 1817, *Nouv. Dict. Hist. nat.* **10** : 49

*sulphuratus*, *Cuculus*, Lichtenstein, 1793, *Cat. Rerum nat. rariss.*  
**1** : 15

**16.** At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

**17.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

18. The present *Opinion* shall be known as *Opinion* Four Hundred and Seven (407) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighth day of October, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**